

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ANTHONY L. JERDINE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 1:09 CV 7

MEMORANDUM OF OPINION
AND ORDER DISMISSING
PETITIONER'S WRIT

UNITED STATES DISTRICT JUDGE LESLEY WELLS

On January 5, 2009, petitioner pro se Anthony L. Jerdine filed the above-captioned habeas corpus action under 28 U.S.C. § 2241. (Docs. 1, 5, 7, 8). For the reasons stated below, this action is dismissed.

Mr. Jerdine, who is incarcerated at Northeast Ohio Correctional Center, asserts in the instant habeas that the Court lacks jurisdiction to adjudicate the pending criminal charges against him in Case No. 1:08 CR 481, and that his pre-trial detention is unlawful.

Title 28 U.S.C. § 2241 permits federal prisoners to challenge the manner in which their sentences are executed. See Cohen v. United States, 593 F.2d 766, 770-71 (1979). In the instant matter, however, Mr. Jerdine seeks to set forth defenses to his criminal prosecution. This is not a proper use of the habeas statute. See Jones v. Perkins, 245 U.S. 390 (1918).

Accordingly, the petition is denied and this action is dismissed pursuant to 28 U.S.C. § 2243. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

As this action is dismissed, all of Mr. Jerdine's attendant filings are denied as moot, including:

Official, Actual, Constructive, and Express Notice of Unclean Hands and Fraud, to any and all Agents, Officers, Employees and Attorneys of Local, State, or Federal Governments. (Doc. 2)

Notice of Affidavit of Expatriation (Doc. 4)

Emergency Supplemental First Amended Petition for Writ of Habeas Corpus (Doc. 5)

Petition to Expedite Petitioner's Dismissal of District Court Indictment in Case No. 1: 08-cr-481 Affirmative Assertion of Speedy Trial Rights (Doc. 6)

Supplemental Expedited Emergency Petition's First Amended Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. (Doc. 7)

Notice of Discovery to be Subpoenaed, Petition for Discovery with Citation of Authority and Supporting Case Law in Evidence. (Doc. 8)

Motion for Issuance of Subpoenas filed by Petitioner. (Doc. 9)

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Date: 16 January 2009